

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LANA KENNEDY,

Plaintiff,

v.

KERRI RUPE, et al,

Defendants.

Case No. 17-cv-13187

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING PLAINTIFF'S COMPLAINT**

On September 28, 2017, Plaintiff Lana Kennedy filed a complaint alleging that the Defendants, several individuals involved in child protective proceedings, violated her rights when they removed her children from her. ECF No. 1. All pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 3. On October 4, 2017, Judge Morris issued a report recommending that the complaint be sua sponte dismissed. ECF No. 5. In the report and recommendation, Judge Morris explained that social workers who initiate judicial proceedings against those suspected of child abuse or neglect are entitled to absolute immunity when they act as legal advocates. Further, social workers are entitled to qualified immunity when they act as investigators. Finally, Judge Morris explained that Michigan law provides immunity for social workers and foster care providers for state law claims. Because all Defendants are entitled to immunity, Judge Morris recommended dismissal of the action.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, Plaintiff has not filed any objections. The election not to file objections to the Magistrate Judge's

report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. Because Taylor's claims for monetary relief are barred by the Eleventh Amendment, they will be dismissed.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 5, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Kennedy's complaint, ECF No. 1, is **DISMISSED**.

Dated: October 25, 2017

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 25, 2017.

s/Kelly Winslow
KELLY WINSLOW, Case Manager